

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 2420	DATE	5/7/2004
CASE TITLE	Fransen Decorating, Inc. vs. Guardian Pipeline, LLC		

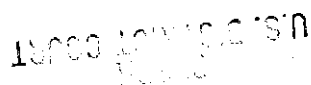


[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> Local Rule 41.1 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum Order. It is hoped that promptly after counsel for co-defendant Guardian Pipeline, LLC appears in the case, counsel will ascertain the identity of the members of WPS Investments, LLC to determine whether the requisite diversity does exist. If it appears that it does not, Guardian's counsel should promptly apprise Fransen's counsel and this Court of that fact.
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;">  MAY 10 2004 MAY 14 2004 MAY 14 2004 </div>	number of notices	<div style="text-align: center;">  MAY 10 2004 MAY 14 2004 </div>	Document Number
<input type="checkbox"/>	No notices required.		date docketed		
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.		docketing deputy initials		
<input type="checkbox"/>	Notified counsel by telephone.		5/7/2004		
<input type="checkbox"/>	Docketing to mail notices.		date mailed notice		
<input type="checkbox"/>	Mail AO 450 form.		SN		
<input type="checkbox"/>	Copy to judge/magistrate judge.	mailing deputy initials			
SN courtroom deputy's initials		Date/time received in central Clerk's Office:			

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FRANSEN DECORATING, INC.,)
)
 Plaintiff,)
)
 v.) No. 04 C 2420
)
GUARDIAN PIPELINE, L.L.C., et al.,)
)
 Defendants.)

DOCKETED
MAY 10 2004

MEMORANDUM ORDER

Immediately on receipt of the Judge's copy of the "Complaint for Foreclose [sic] of Mechanics Lien and Other Relief" that had been filed by Fransen Decorating, Inc. ("Fransen"), this Court issued its April 5, 2004 memorandum order ("Order") that (1) identified several flaws in Fransen's attempted invocation of diversity of citizenship as the predicate for bringing suit in this federal court and (2) set an initial status hearing date of April 14 so that Fransen's counsel might then "advise this Court as to the intended future (if any) of this action in this District Court." Fransen's counsel has instead filed its First Amended Complaint ("FAC") that seeks to cure the jurisdictional defects identified by the Order.

That course of action is entirely sensible, for the FAC has made a good faith and almost entirely successful attempt to plug all of the jurisdictional holes.¹ This memorandum order is

¹ Fransen's counsel cannot be faulted for that "almost" qualifier, for it stems from the understandable lack of information reflected in FAC ¶5:

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issued sua sponte for just two purposes:

1. It reconfirms that the previously scheduled status hearing date of 9 a.m. June 29, 2004 remains in effect.
2. It is hoped that promptly after counsel for co-defendant Guardian Pipeline, L.L.C. ("Guardian") appears in the case, counsel will ascertain the identity of the members of WPS Investments, LLC (according to FAC ¶2, one of Guardian's three members) to determine whether the requisite diversity does exist. If it appears that it does not, Guardian's counsel should promptly apprise Fransen's counsel and this Court of that fact. If the requisite diversity does exist, however, it will suffice to confirm that during the June 29 status hearing.



Milton I. Shadur
Senior United States District Judge

Date: May 7, 2004

WPS Investments is a limited liability company organized under the laws of the State of Wisconsin. Upon information and belief, the member(s) of WPS Investments are not citizens of the State of Minnesota. Upon information and belief, the member(s) of WPS are citizens of the State of Wisconsin.